this person and others having a penchant towards this type of crime. The order of the magistrate is therefore set aside and instead thereof I pass sentence on him of 1 year's imprisonment with effect from today and 6 strokes of the rattan. Stronger medicine will be dosed out to those committing extortion who come before the courts in future.

Order accordingly.

RE ABU KASSIM

[R.Cr.J. (Gill J.) November 27, 1963]

[K.L. — Criminal Revision No. 11 of 1963]

Criminal Procedure—Charge framed under repealed statutory provision—Whether conviction valid.

Immigration—Immigration Ordinance, 1959, ss.15(1) & 58(2)—Charge under repealed section—Proceedings commenced without sanction of Public Prosecutor or Comptroller of Immigration.

The accused was charged and pleaded guilty to an offence under regulation 15(3) of the Immigration Ordinance, 1959, at a time when the said regulation had already been repealed.

Held: the conviction must be set aside.

Per curiam: for valid criminal proceedings to be instituted under section 15(1) of the Immigration Ordinance, 1959 the sanction of the Public Prosecutor or the Comptroller of Immigration must be obtained.

CRIMINAL REVISION.

Ibrahim bin Salleh (Deputy Public Prosecutor) for Public Prosecutor.

Accused in person.

Gill J.: This case has been brought to my notice by the Public Prosecutor for purposes of revision.

The accused Abu Kassim bin Kung, an Indonesian, was charged in the Magistrate's Court, Kuala Lumpur, on the 21st day of October, 1963 as follows:

"That you on 19.10.1963 at about 11.00 p.m., at Reno Hotel, Kuala Lumpur, in the State of Selangor, did remain in the Federation of Malaya, after the expiry of your permit No.71254 issued by the Inspector of Immigration, Port Swettenham on 16.10.1963, to wit was valid until 9.00 a.m. 19.10.1962 and that you have thereby committed an offence under regulation 15(3) of Immigration Ordinance, 1959 and punishable under section 57 of the said Ordinance."

To the above charge the accused pleaded guilty. Sentence was postponed to 28th October, 1963 when he was sentenced to imprisonment for three months to be followed by an order of deportation. It is apparent from the record that the accused was charged under a section of the Immigration Ordinance, 1959 which had been repealed. Moreover, no sanction of the Comptroller of Immigration or the Public Prosecutor, as required by section 58(2) of the Ordinance, was obtained for the purpose of instituting the criminal proceedings against the accused. I therefore set aside his conviction and sentence on the charge as framed against him in the Magistrate's Court.

The accused has now been produced before me on this application for revision and Enche' Ibrahim bin Salleh, Deputy Public Prosecutor, has produced the necessary sanction and a fresh charge as follows has been framed against the accused:

"That you on 19th October, 1963 at about 11.00 p.m. at Reno Hotel, Kuala Lumpur, in the State of Selangor, did remain in the Federation of Malaya, after the expiration of permit No. 71254 issued by the Inspector of Immigration, Port Swettenham dated 16th October, 1963, in contravention of the provisions of section 15(1) of the Immigration Ordinance, 1959 and you have thereby committed an offence punishable under section 57 of the said Ordinance."

The accused has pleaded guilty to this charge. I convict him on his plea and sentence him to three months' imprisonment with effect from 28th October, 1963, to be followed by his deportation to Indonesia.

Order accordingly.

COELHO v. THE PUBLIC SERVICES COMMISSION

[O.C.J. (Ong J.) November 28, 1963]

[K.L. — Originating Motion No. 10 of 1960]

Contract—Public Services Commission inviting applications for posts—Invitation by newspaper—Qualified acceptance of application not communicated to applicant—Whether on probation—Subsequent termination of applicant's appointment as officer on probation—Whether Commission acted ultra vires.

Master and Servant—Dismissal—Whether ultra vires.

Certiorari—Order of, to quash decision of the Public Services Commission.

The applicant a Health Inspector under the Town Board, Tanjong Malim applied for the post of Assistant Passport Officer in the Federation of Malaya Government Oversea Missions advertised in the *Malay Mail* newspaper dated February 19, 1957 as follows:—"Applicants will be selected according to the following order of preference: (i) Serving Assistant Passport Officer and serving Junior Assistant Passport Officers in the Immigration Department who have had not less than 5 years' service and possess School Certificate. (ii) All serving Government Officers who have had 5 years' service and who possess School Certificate....Officers will be eligible for overseas allowance when abroad....Free passages to overseas posts ....Free medical (but not dental) attention....Outfit allowances....Applications (those from serving Officers to be submitted through Heads of Department with Confidential Reports and Record of Service) to reach the Secretary, Public Service Commission (Designate), Young Road, Kuala Lumpur, 28th February, 1957." Consequently the applicant was informed that he was accepted and after undergoing a period of training he was posted to the Immigration Office, Kuala Lumpur until December 1958 when he was transferred to the Immigration Office at Johore Bahru. On November 5, 1959, the Secretary to the Public Services Commission in a letter addressed to the applicant as "Assistant Passport Officer on Probation" informed him that following a report from the Controller of Immigration concerning his conduct in the irregular issue of certain passports disciplinary action was being taken against him with a view to his dismissal. The applicant made representations as invited by the said letter and on December 24,